

Defendant.

) CASE NO:
)
) JUDGE
)
) **COMPLAINT**

2. Pursuant to 28 U.S.C. §1402(b) and §1391(e)(1), venue is proper in the Northern District of Ohio because the acts or omissions giving rise to the claim occurred in the Northern District of Ohio.

3. At the time of the incident which gives rise to this lawsuit, Jeremy Taylor was participating in a training mission for the Ohio National Guard and therefore this claim is covered under the Federal Tort Claim Act pursuant to CFR §536.97.

PARTIES

4. At the time of the incident which gives rise to this lawsuit, Lisa Mancini was a resident of Ravenna, Portage County, Ohio.

5. The United States of America employed Jeremy Taylor through the Ohio National Guard. Jeremy Taylor was acting in the course and scope of his employment with the Ohio National Guard at the time of the incident which gives rise to this lawsuit.

STATEMENT OF FACTS

6. On September 10, 2016, Jeremy Taylor was on a training mission in the course and scope of employment with the Ohio National Guard and was the operator of a United States military Humvee traveling in a convoy from Camp Perry in Port Clinton, Ohio to Camp Ravenna in Ravenna, Ohio.

7. Lisa Mancini was driving her 2000 Chrysler PT Cruiser westbound on State Route 14 towards Lake Rockwell Road.

8. Jeremy Taylor drove on State Route 14 eastbound, veered left of center, and struck Lisa Mancini's vehicle, along with another vehicle.

9. As a result of the collision, Lisa Mancini suffered injuries.

10. The Ohio State Highway Patrol and Introtech Crash Reconstruction each conducted investigations, and both determined that Jeremy Taylor was the proximate cause of the subject collision.

11. The Ohio National Guard performed their own investigation into the crash, and listed numerous findings that contributed to the collision, including, but not limited to: Jeremy Taylor's inexperience operating the Humvee, the lack of the Ohio National Guard's verification of the vehicle drivers or log books, insufficient rest/sleep by Jeremy Taylor, and the Ohio National Guardsmen's deviation from the original plan. The investigation findings indicate no person other than Jeremy Taylor involved in the crash contributed to the cause of the crash.

12. On September 5, 2018, Lisa Mancini filed a Standard Form 95 with the Office of the Staff Judge Advocate, US Army Cadet Command and Fort Knox, for the injuries she sustained in the within incident, which was received by the Staff Judge Advocate on September 6, 2018.

13. The Defendant, United States of America, has not made an offer or otherwise indicated a desire to resolve this matter pre-suit. As more than six months have passed since Standard Form 95 has been filed, Lisa Mancini brings this action pursuant to 28 USC §2675.

14. Pursuant to 28 USC §2679, Lisa Mancini's exclusive remedy against Jeremy Taylor for his negligence is to proceed in Federal Court against the United States of America.

CAUSES OF ACTION

Count I

15. Plaintiff realleges and reaffirms all paragraphs as though fully written herein.

16. Jeremy Taylor was negligent in the operation of his military Humvee.

17. Jeremy Taylor was acting within the course and scope of his office or employment with the Defendant, United States of America, through the Ohio National Guard under circumstances where the United States of America, if a private person, would be liable to Plaintiff in accordance with the laws of the State of Ohio. See 28 U.S.C. §1346(b).

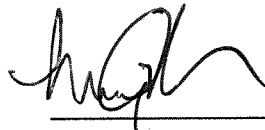
18. As a direct and proximate result of the negligence of Jeremy Taylor, Lisa Mancini suffered severe and permanent physical and emotional injuries, and incurred losses to personal property.

19. By reason of the negligence of the United States through The Ohio National Guard, Plaintiff Lisa Mancini has sustained damages and losses including but not limited to medical and hospital bills and mental anguish.

WHEREFORE, Plaintiff Lisa Mancini demands judgment against the Defendant as follows:

- a. Compensatory damages in the amount of \$85,516.80 together with interest and costs incurred in this action plus attorney's fees; and
- b. Such other and further relief to which this Plaintiff may be entitled.

Respectfully submitted,



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